

13281 U.S. PTO  
040204

22278 U.S. PTO  
10/815817  
040204

## REQUEST FORM FOR APPLICATION UNDER 37 CFR 1.53(b)

DOCKET NUMBER: 58799-089

Prior Application:

Art Unit: 2881

Examiner: Souw, Bernard E.

Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a Continuation application under 37 CFR 1.53(b) of pending prior application  
Serial No. 10/406,455, filed on April 4, 2003, entitled SCANNING ELECTION MICROSCOPE AND SAMPLE  
OBSERVATION METHOD USING THE SAME, by the following named inventors: Tetsuya SAWAHATA and  
Mitsugu SATO.

1. ☒ I hereby state that the enclosed application contains no new matter.
2. Oath or Declaration
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))
    - i. ☐ Deletion of inventor(s)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
3. ☒ Incorporation By Reference (useable if Box 2b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
4. ☒ Preliminary Amendment is enclosed.
5. ☒ An Information Disclosure Statement and PTO1449 Form are submitted herewith.
6. ☒ Cancel claims 2-13.

7. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	AMOUNT
Total Claims	3	-20	0	\$18.00 =	\$0.00
Independent Claims	3	-3	0	\$84.00 =	\$0.00
Basic Application Fee					\$770.00
If multiple dependent claims are presented, add \$0.00					\$0.00
Total Application Fee					\$770.00
Subtract ½ if small entity					\$0.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$770.00</b>
<b>AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417</b>					<b>\$770.00</b>

- 7a. ☐ Enclosed is a Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
- 7b. ☐ A verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was filed in prior application and such status is still proper and desired.
- 8a. ☒ **PLEASE CHARGE DEPOSIT ACCOUNT 500417 in the amount of \$770.00**
- 8b. ☒ The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. 10/406,455 or credit any overpayment to Deposit Account No. 500417.
9. ☒ Amend the specification by inserting before the first line the sentence:  
  
--This application is a continuation of Application Serial No. 10/406,455, filed April 4, 2003, which is a continuation of Application Serial No. 09/656,836 filed September 7, 2000.--
10. ☒ Priority of Application Serial No. 11-264129 filed on September 17, 1999, in JAPAN is claimed under 35 USC 119. The certified priority document was filed in Serial No. 09/656,836 on September 7, 2000.
11. ☒ The prior application is assigned of record to  
  
**HITACHI, LTD.**  
Tokyo, JAPAN
12. ☒ The power of attorney in the prior application is to:  
  
McDermott, Will & Emery
13. ☒ Also enclosed:  
6 pages of Formal Drawings

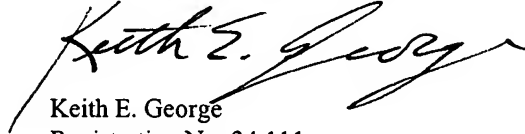
14. ☐ A petition, fee and response has been filed to extend the term in the pending prior application until .

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, DC 20005-3096

Respectfully submitted,

MCDERMOTT, WILL & EMERY

  
Keith E. George  
Registration No. 34,111

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**Date: April 2, 2004**

Docket No.: 58799-110

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277

Tetsuya SAWAHATA, et al. : Confirmation Number:

Serial No.: Continuation of Appl. No.  
10/406,455 : Group Art Unit:

Filed: April 02, 2004 : Examiner:

For: SCANNING ELECTRON MICROSCOPE AND SAMPLE OBSERVATION METHOD  
USING THE SAME

**TRANSMITTAL OF FORMAL DRAWINGS**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Six (6) pages of formal drawings are submitted herewith.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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Registration No. 34,111

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**Date: April 2, 2004**